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Letter dated 21 November 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex, which contains a letter dated 21 November 1994 sent to you by His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, would be circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

94-46214 (E) 251194 271194

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ANNEX

Letter dated 21 November 1994 from Mr. Osman Ertuğ
to the Secretary-General

I have the honour to transmit herewith the text of a letter addressed to you by His Excellency Mr. Rauf Denktaş, President of the Turkish Republic of Northern Cyprus, in connection with a previous letter addressed to you by Mr. Glafcos Clerides, leader of the Greek Cypriot community, which was circulated in the annex to General Assembly and Security Council document A/49/648-S/1994/1263 dated 8 November 1994.

I would be grateful if the present letter and its enclosure could be circulated as a document of the forty-ninth session of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

Appendix

Letter dated 21 November 1994 from Mr. Rauf Denktas to the Secretary-General

It was not my intention to write you a letter following the informal consultations between 18 and 31 October 1994, but after having read Mr. Clerides' letter to you of 8 November 1994, which has been circulated as a United Nations document (A/49/648-S/1994/1263, annex), I felt that there was now a need to do so in order to set the record right.

I was disappointed to observe that the Greek Cypriot side had taken initiatives, following the conclusion of the informal consultations, which cannot be compatible with the wish and vision of peace, stability, welfare and cooperation that we envisage within the context of a partnership solution. I firmly believe that, as the leaders of the two communities destined to share the same homeland, Mr. Clerides and I should first respect each other and work towards creating an environment of mutual trust and confidence compatible with the above wish. This being so, I wish to assure you that it is not my intention in this letter to vilify the Greek Cypriot side or its distinguished leader, but to brief you directly on the views I expressed and the suggestions I made during the informal consultations.

As you are no doubt aware, immediately after receipt of your letter of 10 October 1994, I informed your Deputy Special Representative in Cyprus that I was ready and willing to engage in this historic mission. I made my preparations for the consultations on the basis of your suggestion that we should hold "a number of informal consultations ... with a view to exploring in a practical and concrete manner ways in which progress might be made both in respect of the implementation of the confidence-building measures and the long-contemplated overall settlement of the Cyprus problem".

I took this suggestion as an indication of the agenda at the consultations, or at least, as a guidance to the subjects to be discussed.

In our first meeting I tried to set a conciliatory tone for the consultations and explained to Mr. Clerides that the Cyprus question had come to a turning-point that we must both be aware of our historic duties and responsibilities. I pointed out that we were both approaching the end of our political lives and that our peoples and the international community were expecting a breakthrough from us. I stressed that your invitation for informal consultations provided us with a rare opportunity to realize this breakthrough.

During the consultations I especially emphasized the need to explore, in a practical and concrete manner, ways in which progress might be made in respect of the implementation of the confidence-building measures package. I did this because I fully share your assessment set out in paragraph 63 of your report of 19 November 1992 (S/24830), where you stress that: "It appears from the recent joint meetings that there is a deep crisis of confidence between the two sides. It is difficult to envisage any successful outcome to the talks for as long as this situation prevails."

Furthermore, the subject of exploring ways through which the confidence-building measures package might be implemented was the first of the two subjects you suggested we discuss, during the consultations, in your letter of 10 October 1994.

I made it abundantly clear during the consultations that, based on your repeated assessments, we had to immediately address the issue of trust and confidence if we were to expect any successful outcome to the talks on the long-contemplated overall settlement, and frequently reminded Mr. Clerides that I was ready and willing to conclude the confidence-building measures agreement to achieve that objective. I pointed out during the consultations that the signing of the confidence-building measures agreement and its implementation would enable us to overcome the obstacle put in our way by the European Court of Justice ruling. I also stated during the consultations that I am prepared to accept the procedure you have suggested for the implementation of the confidence-building measures package in the report contained in your letter of 28 June 1994 addressed to the President of the Security Council. I specifically stressed that we had to benefit from the constructive evaluation in your above-stated letter where you say: "I concluded that there had now been sufficient progress for the United Nations to implement the package on the basis of the 21 March paper and subsequent clarifications." I went as far as saying that this was the first time in the post-1974 phase of the 31-year-old crisis in Cyprus when the two sides had the chance and opportunity of concluding an agreement that would contain practical elements and would be implemented. I pleaded that this opportunity should not be missed.

When Mr. Clerides said during the consultations that he had problems of access to the fenced area of Varosha within the context of the United Nations-negotiated confidence-building measures, I made a proposal to him that entailed further sacrifices for the Turkish Cypriot community. I am confident that this proposal has been duly noted by your representatives in Cyprus. The response of Mr. Clerides was that he did not want to discuss the confidence-building measures until after a settlement.

As per the second request contained in your letter of 10 October 1994, I also engaged in consultations with Mr. Clerides regarding the issues of an overall settlement. In view of Mr. Clerides' refusal to discuss the confidence-building measures package until after a settlement, I likewise could have said that I, in turn, did not wish to discuss issues of the federal settlement until after an agreement on the confidence-building measures. I did not, however, take this negative stand.

At the initial stage of our consultations regarding an overall settlement, I reminded Mr. Clerides of the assessment of your Special Representative Mr. Joe Clark, following his latest visit, which he later reiterated during the press interview following his meeting with the Security Council on 10 October 1994, that we were approaching a kind of impasse in Cyprus and that this had two main reasons: (a) the European Court of Justice ruling of 5 July 1994; and (b) the resolution of the Parliament of the Turkish Republic of Northern Cyprus of 28 August 1994. I repeatedly reconfirmed to Mr. Clerides that our objective for a negotiated settlement and for the negotiation process had not changed; that this objective was the realization of a bi-communal and

bi-zonal federal solution; and that the second obstacle pointed out by Mr. Joe Clark for a negotiated settlement did not therefore, really exist.

I explained to Mr. Clerides that I was prepared to engage in a process of give-and-take, like the concept of "horse trading" suggested by your Deputy Special Representative Mr. Feissel, and that in order to realize the above-mentioned objective we had to approach the subject within the context of the following headings: constitutional aspects, displaced persons, security and guarantees and territorial adjustments. In line with this approach I made the bold and creative suggestions to Mr. Clerides that we could work on the basis of such formulas as "land for peace" and "land for a viable solution". I am sure you will appreciate that these suggestions provide a significant opening for a negotiated settlement.

I have noted the confirmation of your Deputy Special Representative Mr. Feissel that during the consultations Mr. Clerides has accepted the Turkish Cypriot definition of limited sovereignty based on the Swiss model, namely that: "The federated States are sovereign in so far as their sovereignty is not limited by the federal constitution."

Mr. Clerides' acceptance of the above definition of sovereignty, however, is conditional on the Turkish Cypriot side's acceptance to support as from now the unilateral application for European Union (EU) membership submitted in 1990 by the Greek Cypriot Administration under the title of "the Government of the Republic of Cyprus", with the proviso that, if accepted, it would be the "Federal Republic of Cyprus" which would enter the EU. This condition, unfortunately, entails legal, political and economic difficulties and complications which have already been explained in detail during the consultations and which make the practicality of this offer impossible.

As an alternative approach, I proposed to Mr. Clerides that if we realized our objective of establishing the federation, I would go along with the provision laid down in the "Set of Ideas" regarding the EU membership of the Federal Republic, as agreed to by both myself and Mr. Vassiliou. Paragraph 92 of the "Set of Ideas" lays down that: "Matters related to the membership of the Federal Republic in the European Economic Community will be discussed and agreed to, and will be submitted for the approval of the two communities in separate referendums."

I reconfirmed at the consultations that I would also go along with the provisions of the "Set of Ideas" regarding the demilitarization of the Federal Republic and the withdrawal of non-Cypriot forces.

I repeatedly stressed that the implementation of the confidence-building measures package would generate an environment of trust and confidence that, in turn, would facilitate the establishment of the federal government.

In order to remove the suspicion of the Greek Cypriot side that after the conclusion of the confidence-building measures agreement we would no longer be interested in an overall settlement, I proposed to Mr. Clerides that we both commit ourselves to commence negotiations on an overall settlement on the day the confidence-building measures agreement is endorsed by the Security Council.

As proof of our sincerity in and commitment to a negotiated settlement, I made the following concrete proposal to Mr. Clerides on 31 October 1994 in respect of both the confidence-building measures and an overall settlement:

"(a) The two leaders have agreed on the package of confidence-building measures. They have decided to sign the agreement on ... (date). (Let us fix a date in November.)

"(b) The two leaders have decided to commence talks between the two sides, on the date the Security Council endorses the confidence-building measures agreement and in accordance with the 'integrated whole' principle, with a view to attaining a comprehensive settlement on a bi-communal and bi-zonal federal basis.

"(c) The two leaders have decided to establish a committee of experts, with a view to concluding the procedures relating to the implementation of the package of confidence-building measures.

"(d) It is envisaged that the confidence-building measures committee concludes its work within 15 days.

"(e) At the same time, it has been decided that a committee of experts be established for the purpose of evaluating the views of the two sides on a comprehensive settlement put forward during the informal consultations between the two leaders.

"(f) It is envisaged that the comprehensive settlement committee submits a progress report within one month.

"(g) The two leaders have decided to come together in some 15 days, under the auspices of Mr. Feissel, in order to review the results, upon the completion of the work by the confidence-building measures committee, and to conclude the preparatory work on the confidence-building measures agreement."

I very well know that you will be evaluating my consultations with Mr. Clerides, on the basis of the report that you will be getting from your Deputy Special Representative Mr. Feissel. I want to stress again, however, that the modalities for the implementation of the confidence-building measures, as such, were not in fact taken up during the consultations and that reference during the consultations to this matter was limited only to instances when I invited and reminded Mr. Clerides that we also needed to discuss the package.

The points and positions I have outlined in this letter are from talking points of the consultations which I have already handed to your Deputy Special Representative Mr. Feissel. I had requested Mr. Feissel to give a copy of the talking points of our meeting of 31 October 1994 to Mr. Clerides. I am confident that these talking points have been brought to your attention.

In conclusion, I wish to confirm that I continue to support your mission of good offices; that I am prepared and willing to sign the confidence-building measures agreement; that I believe that the implementation of the confidence-

building measures agreement would help in facilitating an overall solution; that we are fully committed to a bi-communal and bi-zonal federal solution; and that I am always available and prepared to engage in face-to-face negotiations with Mr. Clerides.

In this connection, I wish to assure you that the Turkish Cypriot side does have the political will and readiness to reach a negotiated settlement with the Greek Cypriot side and to bring an equitable solution and lasting peace to both peoples of our beautiful island.

Thank you again for your kind assistance.

(Signed) Rauf R. DENKTAŞ
President